

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.655 OF 2003
IN
SUIT NO.653 OF 2003

Dhirendra Govindji Kotak .. Plaintiff
versus
B.S.E.S.Limited .. Defendant

Mr D.R.Shah for Plff
Mr P.R.Hegde for Deft

CORAM : D.G. KARNIK, J
DATED : 21st April 2005.

P.C:-

1. Heard learned counsel for the parties. This motion is taken out by the plaintiff for a declaration that arrears of Rs.61,013/- claimed by the defendant in the name of disconnection of supply dated 8th February, 2003 is illegal and without authority of law.

2. Since the plaintiff had not paid the bills, the

defendant had already disconnected the supply. However, by an ad interim order dated 21st February, 2003 this court directed the defendant to reconnect the supply after recording an undertaking of the plaintiff that he would deposit Rs.13,000/- on 14th February, 2003. The plaintiff was further directed to pay the future bills regularly. Learned counsel for the defendant hands in the statement of the defendant's bills and states that the plaintiff has not been paying the bills regularly and that the bills for the period of August, 2004 to February, 2005 have not been paid by the plaintiff at all. In the circumstances, the plaintiff is not entitled to the relief of any injunction. The defendant is at liberty to take any action in accordance with law. With these observations, motion is disposed of.

D.G.KARNIK, J